

Nuclear Regulatory Commission

§ 15.61

by the NRC is final and conclusive on the debtor and on all officials, agencies, and courts of the United States, unless obtained by fraud, misrepresentation, the presentation of a false claim, or mutual mistake of fact.

Subpart D—Suspension or Termination of Collection Action

§ 15.51 When collection action may be suspended or terminated.

The NRC may suspend or terminate collection action on a claim not in excess of the monetary limitation, exclusive of interest, penalties, and administrative costs, after deducting the amount of partial payments, if any, if it has not been referred to GAO or to DOJ for litigation.

[55 FR 32380, Aug. 9, 1990]

§ 15.53 Reasons for suspending collection action.

Collection action may be suspended temporarily:

(a) When the debtor cannot be located after diligent efforts and there is reason to believe that future collection action may be sufficiently productive to justify periodic review and action on the claim considering the size of the claim and the amount which may be realized on it; or

(b) When the debtor owns no substantial equity in realty and is unable to make payments on the Government's claim or effect a compromise on it at the time but the debtor's future prospects justify retention of the claim for periodic review and action and:

(1) The applicable statute of limitations has been tolled or started anew; or

(2) Future collection can be effected by offset notwithstanding the statute of limitations.

§ 15.55 Reasons for terminating collection action.

Collection action may be terminated:

(a) When it becomes clear that the Government cannot collect or enforce collection of any significant sum from the debtor having due regard for the judicial remedies available to the Government, the debtor's future financial prospects, and the exemptions avail-

able to the debtor under State and Federal law;

(b) When the debtor cannot be located, there is no security remaining to be liquidated, the applicable statute of limitations has run, and the prospects of collecting by offset notwithstanding the bar of the statute of limitations is too remote to justify retention of the claim; or

(c) When it is likely that the cost of collection action will exceed the amount recoverable.

§ 15.57 Termination of collection action.

Collection action shall be terminated:

(a) Whenever it is determined that the claim is legally without merit; or

(b) When it is determined that the evidence necessary to prove the claim cannot be produced or the necessary witnesses are unavailable and efforts to induce voluntary payments have been unavailing.

§ 15.59 Transfer of a claim.

The NRC may transfer a claim to the GAO for advice when there is doubt whether collection action should be suspended or terminated.

Subpart E—Referral of a Claim

§ 15.61 Prompt referral.

(a) A claim which requires enforced collection action is referred to GAO or to DOJ for litigation. A referral is made as early as possible consistent with aggressive collection action and in any event well within the time required to bring a timely suit against the debtor. Ordinarily, referrals are made within one year of the NRC's final determination of the fact and the amount of the debt.

(b) When the merits of the NRC's claim, the amount owed on the claim, or the propriety of acceptance of a proposed compromise, suspension, or termination of collection actions is in doubt, the NRC shall refer the matter to the GAO for resolution and instructions prior to proceeding with collection action and/or referral to DOJ for litigation.

§ 15.65

(c) The NRC may refer a claim to the GAO or the DOJ even though the termination of collection activity might otherwise be given consideration under § 15.55(a) or (c) if:

(1) A significant enforcement policy is involved in reducing a statutory penalty or forfeiture to judgment; or

(2) Recovery of a judgment is a prerequisite to the imposition of administrative sanctions, such as suspension or revocation of a license or the privilege of participating in a Government sponsored program.

(d) Once a claim has been referred to GAO or to DOJ under this subpart, the NRC shall refrain from having any contact with the debtor and shall direct the debtor to GAO or DOJ, as appropriate, when questions concerning the claim are raised by the debtor. The NRC shall immediately advise GAO or DOJ, as appropriate, of any payments by the debtor.

[47 FR 7616, Feb. 22, 1982, as amended at 55 FR 32380, Aug. 9, 1990]

§ 15.65 Referral of a compromise offer.

The NRC may refer a debtor's firm written offer of compromise which is substantial in amount to the GAO or to the DOJ if the NRC is uncertain whether the offer should be accepted.

§ 15.67 Referral to the Department of Justice.

(a) Claims for which the gross original amount is over \$100,000 must be referred to the Commercial Litigation Branch, Civil Division, Department of Justice, Washington, DC 20530. Claims for which the gross original amount is \$100,000 or less must be referred to the United States Attorney in whose district the debtor can be found.

(b) A claim of less than \$600, exclusive of interest, is not referred for litigation unless:

(1) Referral is important to a significant enforcement policy; or

(2) The debtor not only has the clear ability to pay the claim but the Government can effectively enforce payment.

(c) A claim on which the NRC holds a judgment is referred to the DOJ for further action if renewal of the judgment lien or enforced collection pro-

10 CFR Ch. I (1–199 Edition)

ceedings are justified under the criteria discussed in this part.

(d) Claims must be referred to the Department of Justice in the manner prescribed by 4 CFR 105.2. Care must be taken to preserve all files, records, and exhibits on claims referred under paragraphs (a) and (b) of this section.

[47 FR 7616, Feb. 22, 1982, as amended at 55 FR 32381, Aug. 9, 1990]

PART 16—SALARY OFFSET PROCEDURES FOR COLLECTING DEBTS OWED BY FEDERAL EMPLOYEES TO THE FEDERAL GOVERNMENT

Sec.

16.1 Purpose and scope.

16.3 Definitions.

16.5 Application.

16.7 Notice requirements.

16.9 Hearing.

16.11 Written decision.

16.13 Coordinating offset with another Federal agency.

16.15 Procedures for salary offset.

16.17 Refunds.

16.19 Statute of limitations.

16.21 Non-waiver of rights.

16.23 Interest, penalties, and administrative charges.

AUTHORITY: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201), sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 3, Pub. L. 89-508, 80 Stat. 308, as amended (31 U.S.C. 3711, 3717, 3718); sec. 5, Pub. L. 89-508, 80 Stat. 308, as amended (31 U.S.C. 3716), Debt Collection Act of 1982, Pub. L. 97-365, 96 Stat. 1749-1758; Federal Claims Collection Standards, 4 CFR parts 101-105; 5 U.S.C. 5514, as amended; 5 CFR 550.1101-550.1108.

SOURCE: 56 FR 51830, Oct. 16, 1991, unless otherwise noted.

§ 16.1 Purpose and scope.

(a) This part provides procedures for the collection by administrative offset of a Federal employee's salary without his/her consent to satisfy certain debts owed to the Federal Government. This part applies to all Federal employees who owe debts to the Nuclear Regulatory Commission (NRC) and to current employees of the NRC who owe debts to other Federal agencies. This part does not apply when the employee consents to recovery from his/her current pay account.

(b) These procedures do not apply to debts or claims arising under: